

87th Legislative Session – 2012

Committee: House Judiciary

Wednesday, February 15, 2012

P - Present
E - Excused
A - Absent

Roll Call

P Abdallah
P Boomgarden
P Feinstein
P Gibson
P Hansen (Jon)
P Killer
P Kopp
P Nelson (Stace)
P Russell
P Tornow
P Turbiville
P Gosch, Vice-Chair
P Hunt, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Vice-Chair, Representative Brian Gosch.

MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 13, 2012.

Moved by: Turbiville
Second by: Abdallah
Action: Prevailed by voice vote.

SB 13: revise certain provisions pertaining to reunification and termination of parental rights.

Proponents: Dan Todd, Department of Social Services

MOTION: DO PASS SB 13

Moved by: Kopp
Second by: Nelson (Stace)
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Abdallah, Boomgarden, Feinstein, Gibson, Killer, Kopp, Nelson (Stace), Russell, Tornow, Turbiville, Gosch, Hunt

Excused: Hansen (Jon)

Vice-Chair, Representative Gosch passed the gavel to Chair, Representative Hunt.

MOTION: PLACE SB 13 ON CONSENT CALENDAR

Moved by: Turbiville
Second by: Gosch
Action: Was not acted on.

SB 39: expand the definition of victim for the purposes of certain written victim impact statements.

Proponents: Marty Jackley, Office of the Attorney General

MOTION: DO PASS SB 39

Moved by: Abdallah
Second by: Nelson (Stace)
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Abdallah, Boomgarden, Feinstein, Gibson, Killer, Kopp, Nelson (Stace), Russell, Tornow, Turbiville, Gosch, Hunt

Excused: Hansen (Jon)

MOTION: PLACE SB 39 ON CONSENT CALENDAR

Moved by: Abdallah
Second by: Gosch
Action: Prevailed by voice vote.

SB 41: authorize retailers to choose whether to submit pseudoephedrine purchase records electronically or in writing.

Proponents: Marty Jackley, Office of the Attorney General
Shawn Lyons, SD Retailers Association

MOTION: DO PASS SB 41

Moved by: Gosch
Second by: Nelson (Stace)
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Abdallah, Boomgarden, Feinstein, Gibson, Killer, Kopp, Nelson (Stace), Russell,
Tornow, Turbiville, Gosch, Hunt

Excused: Hansen (Jon)

MOTION: PLACE SB 41 ON CONSENT CALENDAR

Moved by: Gosch
Second by: Nelson (Stace)
Action: Prevailed by voice vote.

SB 42: revise certain provisions regarding habeas corpus.

The Chair, Representative Hunt provided a Fiscal Note (Handout #1).

Proponents: Marty Jackley, Office of the Attorney General
Terry W. Weisenberg, Lawrence County Commissioner
Jeremy Pankratz, Association SD Commissioners
Paul Bachand, SD State's Attorneys Association
Staci Eggert, SD Sheriff's Association
Ed and Peggy Schaeffer, Self, Black Hawk
Opponents: Lindsey Riter-Rapp, Sd Association Criminal Defense Lawyers

MOTION: DO PASS SB 42

Moved by: Nelson (Stace)
Second by: Turbiville
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND SB 42

On page 4, after line 6 of the Senate engrossed bill, insert:

" Section 7. Whereas, this Act is necessary for the immediate preservation of the public peace, health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval."

Moved by: Hansen (Jon)
Second by: Gosch
Action: Prevailed by voice vote.

MOTION: DO PASS SB 42 AS AMENDED

Moved by: Gosch
Second by: Nelson (Stace)
Action: Prevailed by roll call vote. (10-3-0-0)

Voting Yes: Abdallah, Boomgarden, Hansen (Jon), Kopp, Nelson (Stace), Russell, Tornow, Turbiville, Gosch, Hunt

Voting No: Feinstein, Gibson, Killer

MOTION: AMEND TITLE OF SB 42

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On page 1, line 1, of the Senate engrossed bill, after "corpus" insert "and to declare an emergency".

Moved by: Hansen (Jon)
Second by: Gosch
Action: Prevailed by voice vote.

SB 43: criminalize the failure to report the death or disappearance of a child within a specified time by certain persons responsible for the care of the child.

Proponents: Marty Jackley, Office of the Attorney General
Paul Bachand, SD State's Attorneys Association
Dan Todd, Department of Social Services
Beverly Tuttle, Ogalala Sioux Tribe

Opponents: Lorin Pankratz, Sanford Health
Lindsey Riter-Rapp, SD Association of Criminal Defense Lawyers

Dr. H. Leibowitz from Redfield, gave information.

THE CHAIR DEFERRED SB 43 UNTIL WEDNESDAY, FEBRUARY 22, 2012.

MOTION: ADJOURN

Moved by: Gibson
Second by: Gosch
Action: Prevailed by voice vote.

Bonnie Fischer
Committee Secretary

Roger W. Hunt, Chair